

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

STEVEN PATRICK MITCHELL,

Petitioner,

v.

WASHOE COUNTY SHERIFF'S
DEPARTMENT,

Respondents.

Case No. 3:16-cv-00674-MMD-VPC

ORDER

Petitioner Steven Patrick Mitchell submitted a one-page document styled a petition for original writ, with a state-court heading, that he apparently also filed with the Ninth Circuit Court of appeals (ECF No. 1-1). He has failed to submit an application to proceed *in forma pauperis* or pay the filing fee. He appeared to be in custody at the Washoe County Detention Center when he mailed the document; however, on December 1, 2016, the notice that the Clerk of Court mailed to petitioner to advise him that he had been assigned a case number was returned with the notation "Not Here" (ECF No. 3). Moreover, Mitchell sets forth no grounds in his submission that could have plausibly been exhausted in the state courts in such a relatively short time period.

Mitchell has not properly commenced a federal habeas matter. 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2. Thus, the present action will be dismissed without prejudice to the filing of a new petition in a new action with either the appropriate filing fee or a completed application to proceed *in forma pauperis* on the proper form with both an inmate account statement for the past six months and a properly executed financial certificate.


1 It is therefore ordered that the Clerk detach and file petitioner's document at ECF
2 No. 1-1.

3 It is further ordered that this action is dismissed without prejudice as set forth in
4 this order.

5 It is further ordered that a certificate of appealability is denied, as jurists of reason
6 would not find the Court's dismissal of this improperly commenced action without
7 prejudice to be debatable or incorrect.

8 It is further ordered that the Clerk enter judgment accordingly and close this case.

9
10 DATED THIS 16th day of December 2016.

11
12 
13 MIRANDA M. DU
14 UNITED STATES DISTRICT JUDGE
15
16
17
18
19
20
21
22
23
24
25
26
27
28